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April 26, 2013

By ECF

The Hon. John Gleeson
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

***Re: United States v. Agron Hasbajrami,
11 Cr. 623 (JG)***

Dear Judge Gleeson:

As per this Court's Order, dated, April 22, 2013, I have provided the defendant, Agron Hasbajrami, with additional copies of the following documents:

- (1) Indictment, dated, September 8, 2011 (*ecf# 1*)
- (2) Superseding Indictment, dated, January 26, 2012 (*ecf# 20*)
- (3) Memorandum of Law In Support of the Government's Motion for a Permanent Order of Detention, dated, September 9, 2011 (*ecf# 3*)
- (4) Notice of Intent to Use Foreign Intelligence Surveillance Act Information, dated, September 13, 2011 (*ecf# 9*)
- (5) Government's Motion for a Pretrial Conference Pursuant to 18 U.S.C. App. III (CIPA) Section 2, dated, September 29, 2011 (*ecf# 10*)
- (6) Protective Order Pertaining to Unclassified Information, dated, November 21, 2011 (*ecf# 13*)
- (7) Protective Order Regarding Classified Information, dated, March 23, 2012 (*ecf# 27*)

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- (8) Defendant's Sentencing Memorandum, dated, November 21, 2012 (redacted copy with attachments) (*ecf # 38*)
- (9) Defendant's Sentencing Memorandum, dated, November 21, 2012 (unredacted copy without attachments)¹ (filed under seal)
- (10) Government's Sentencing Memorandum, dated, November 21, 2012 (*ecf # 39*)
- (11) Exhibit A to the Government's Sentencing Memorandum (filed under seal)
- (12) Government's Supplemental Sentencing Memorandum, dated, January 7, 2013 (*ecf # 42*)²
- (13) Defendant's Supplemental Sentencing Memorandum, dated, January 7, 2013 (with attachments) (*ecf # 43*)
- (14) Rule 16 letter, dated, September 29, 2011 (re Bates # 1-40) (*ecf # 11*)
- (15) Rule 16 letter, dated, December 23, 2011 (re Bates # 83-370) (*ecf # 15*)
- (16) Rule 16 letter, dated, January 27, 2012 (re Bates # 371-427) (*ecf # 19*)
- (17) Rule 16 letter, dated, March 1, 2012 (re Bates # 428) (*ecf # 22*)
- (18) Rule 16 letter, dated, March 27, 2012 (re Classified discovery) (*ecf # 28*)
- (19) Rule 16 letter, dated, March 27, 2012 (re Bates # 455-467) (*ecf # 29*)
- (20) Rule 16 letter, dated, March 30, 2012 (re Bates # 468-968) (*ecf # 30*)
- (21) Rule 16 letter, dated, June 18, 2012 (re foreign witness interview) (*ecf # 33*)

¹ The attachments included with the unredacted copy of Defendant's sentencing memorandum, which was filed under seal, were identical to the attachments included with the redacted copy that was filed by ECF.

² The Government filed this document by ECF and it remained on the public docket for several hours. The document was then removed from the public docket and placed under seal after I emailed the Government raising, inter alia, the defendant's security concerns. The document is no longer available by ECF.

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- (22) Foreign witness interview referenced in June 18, 2012 Rule 16 letter.
- (23) FBI 302, dated, September 7, 2011 (summary of the defendant's post-arrest statements) (Bates # 41-47)
- (24) FBI 302, dated, September 19, 2011 (log maintained during defendant's post-arrest interrogation) (Bates # 48-52)
- (25) FBI 302, dated, September 14, 2011 (summary of the defendant's post-arrest statements) (Bates # 53-60)
- (26) FBI 302, dated, September 15, 2011 (summary of the defendant's post-arrest statements) (Bates # 61-75)
- (27) FBI 302, dated, September 14, 2011 (summary of the defendant's post-arrest statements) (Bates # 76-78)
- (28) FBI Verbatim Translation, dated, November 15, 2011 (Bates # 79-82)
- (29) Unclassified FISA derived material (Bates # 83-287)
- (30) Western Union summary (Bates # 290-297)
- (31) MoneyGram summary (Bates # 298-300)
- (32) Western Union summary (Bates # 301-304)
- (33) Attachment A to warrant application (Bates # 306-309)
- (34) Affidavit in Support of Application for Search Warrant, dated, September 6, 2011 (Bates # 310-340)
- (35) FBI Summary Translation (Bates # 341-346)
- (36) FBI Summary Translation (Bates # 347-350)
- (37) FBI Summary, dated, November 17, 2011 (Bates # 351-353)
- (38) FBI Verbatim Translation (Bates # 354-368)
- (39) FBI 302, dated, September 6, 2011 (inventory) (Bates # 369-370)
- (40) Unclassified FISA derived material (Bates # 371-427)

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- (41) Unclassified email and Facebook posts (Bates # 429-456)
- (42) Miscellaneous unclassified propaganda (Bates # 457-467)
- (43) Email (Bates # 468-479)
- (44) Employment cover letters and resume (Bates # 480-484)
- (45) Email (Bates # 485-732)
- (46) Employment reference letter, dated, March 30, 2011 (Bates # 733)
- (47) Email (Bates # 734-968)
- (48) Transcript of Plea Hearing, dated, April 22, 2012

Copies of all of the above-listed material have been mailed to the defendant today.

There are, however, several documents that have not been mailed either because they are not in my present possession or they are precluded from disclosure pursuant to the Protective Order Regarding Classified Information, dated, March 23, 2012 (*ecf* # 27). To that end the following documents will be mailed to the defendant either by my co-counsel, Steve Zissou, or by myself (once I have retrieved them from Mr. Zissou or elsewhere): (1) the discovery Bates stamped 1-40, referenced in the Government's September 29, 2011, Rule 16 letter (*ecf* # 11); (2) a signed copy of the defendant's plea agreement; and (3) a copy of the defendant's sentencing transcript. We will inform the Court once these remaining documents have been provided to the defendant.

The classified discovery referenced in the Government's March 27, 2012, Rule 16 letter (*ecf* # 28), will not be provided to the defendant. Similarly, I am uncertain whether the CD labeled 428, referenced in the Government's March 1, 2012, Rule 16 letter (*ecf* #

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22), contains classified or unclassified material. I have written the Government for clarification and will proceed accordingly.

Should the Court require any further information, please feel free to contact me directly at (212) 929-0592.

Respectfully submitted,



Michael K. Bachrach

MKB/mb
cc: AUSA Seth DuCharme (by ECF)
Steve Zissou, Esq. (by ECF)